

EXHIBIT N

1 MANATT, PHELPS & PHILLIPS, LLP
 2 STEPHEN M. RYAN (DC Bar No. 359099) (sryan@manatt.com)
 3 700 12th Street, N.W., Suite 1100
 4 Washington, DC 20005-4075
 5 Telephone: (202) 585-6500
 6 Facsimile: (202) 585-6600

ORIGINAL
 FILED
 06 OCT 27 PM 3:40
 RICHARD W. WIEKING
 CLERK
 U.S. DISTRICT COURT
 NO. DIST. OF CA S.J.

7 MANATT, PHELPS & PHILLIPS, LLP
 8 CHAD S. HUMMEL (CA Bar No. 139055) (chummel@manatt.com)
 9 JACK S. YEH (CA Bar No. 174286) (jyeh@manatt.com)
 10 11355 W. Olympic Boulevard
 11 Los Angeles, CA 90064
 12 Telephone: (310) 312-4000
 13 Facsimile: (310) 312-4224

14 MANATT, PHELPS & PHILLIPS, LLP
 15 CHRISTOPHER L. WANGER (CA Bar No. 164751) (cwanger@manatt.com)
 16 JOHN P. KERN (CA Bar No. 206001) (jkern@manatt.com)
 17 1001 Page Mill Road, Building 2

Palo Alto, CA 94304-1006
 Telephone: (650) 812-1300
 Facsimile: (650) 213-0260

ARIN adv. Gary Kremen

(22149-060)

C. Wanger

J. Yeh (LA)

LA Cal.

S. Ryan (DC)

D. Wishon

C. Hummel (LA)

Client (SMR - DC)

14 *Attorneys for Non-Party*

15 AMERICAN REGISTRY FOR INTERNET NUMBERS, LTD.

16 UNITED STATES DISTRICT COURT

17 NORTHERN DISTRICT

18 SAN JOSE DIVISION

19 GARY KREMEN,

20 Plaintiff,

Case No. C 98 20718 JW

[Related Case No. C 06-2554 JW]

21 vs.

22 STEPHEN MICHAEL COHEN, et. al.,

23 Defendant.

NOTICE OF MOTION AND MOTION TO
 STRIKE MATERIAL FILED AFTER
 REPLY AND WITHOUT PRIOR COURT
 APPROVAL AND, IN THE
 ALTERNATIVE, REQUEST FOR
 APPROVAL TO FILE SUPPLEMENTAL
 BRIEF

24 [N.D. LOCAL RULE 7-3(d)]

25 TO THE COURT AND ALL PARTIES AND THEIR ATTORNEYS OR RECORD:

26

27

28

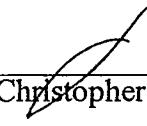
1 PLEASE TAKE NOTICE that American Registry for Internet Numbers ("ARIN") hereby
2 moves to strike the letter dated October 25, 2006 and accompanying Proposed Order filed by
3 counsel for Plaintiff, Gary Kremen, on October 25, 2006 in this matter (the "New Proposed
4 Order") on the grounds that it was filed after ARIN's Reply in Support of its Motion to
5 Modify/Clarify Order but without prior Court approval in violation of Northern District Local
6 Rules 7-3(d) and (a).

7 Kremen's improperly filed New Proposed Order adds new matter and ARIN will be
8 prejudiced if it is not stricken or, alternatively, if ARIN is denied the opportunity to address the
9 new matter. The New Proposed Order is inconsistent with the intent of this Court's September
10 17, 2001 Order in that it continues to attempt to exempt Kremen from the normal and necessary
11 processes and oversight that ARIN employs for the allocation and registration of IP Resources.
12 Specifically, rather than requiring Kremen to simply execute a Registration Services Agreement
13 for the IP Resources over which ARIN has control, Kremen's New Proposed Order constructs a
14 process whereby Kremen would be provided IP resources without any contractual or other
15 obligations to use them appropriately (if Kremen is dissatisfied with ARIN's proffer of
16 information matching IP Resources to Cohen-related contracts). For the reasons discussed at the
17 October 23, 2006, hearing, such a scenario was not contemplated nor intended by the Court when
18 it entered its Order in 2001.

19 For these reasons, and the reasons set forth in ARIN's papers and at oral argument,
20 Kremen's New Proposed Order should be stricken and the Court should enter the Proposed Order
21 previously submitted by ARIN in connection with its Motion to Clarify\Modify or any other order
22 that is consistent therewith requiring Kremen to sign a Registration Services Agreement as a
23 precondition of any obligation by ARIN to allocate any IP Resources to Kremen. If the Court
24 intends to consider Kremen's New Proposed Order, ARIN requests approval to file a short brief
25 fully addressing its deficiencies.

1 Dated: October 27, 2006
2

3 MANATT, PHELPS & PHILLIPS, LLP
4

5 By: 
6 Christopher L. Wanger
7

8 *Counsel for Moving Non-Party*
9 AMERICAN REGISTRY FOR INTERNET NUMBERS,
10 LTD.
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

20168382.1

PROOF OF SERVICE

1 I, Antonino Scardina, declare:

2 I am a resident of the State of California and over the age of eighteen years, and
 3 not a party to the within action; my business address is 1001 Page Mill Road, Building 2, Palo
 4 Alto, CA 94304-1006. On October 27, 2006, I served the within documents:

**NOTICE OF MOTION AND MOTION TO STRIKE MATERIAL FILED AFTER REPLY
AND WITHOUT PRIOR COURT APPROVAL AND, IN THE ALTERNATIVE,
REQUEST FOR APPROVAL TO FILE SUPPLEMENTAL BRIEF**

- 7 by transmitting via e-mail the document(s) listed above to the e-mail addresses set
 8 forth below on this date before 5:00 p.m. (counsel for S. Cohen was not served
 electronically)
- 9 by placing the document(s) listed above in a sealed envelope with postage thereon
 10 fully prepaid, in the United States mail at Palo Alto, California addressed as set
 forth below.
- 11 by placing the document(s) listed above in a sealed Federal Express envelope and
 12 affixing a pre-paid air bill, and causing the envelope to be delivered to a Federal
 13 Express agent for delivery.
- 14 by personally delivering the document(s) listed above to the person(s) at the
 15 address(es) set forth below.

16 **Karl Kronenberger**
 17 **Terri Hanley**
 18 Kronenberger Hanley, LLP
 19 220 Montgomery Street, Ste. 1920
 20 San Francisco, CA 94104
 Phone: (415) 955-1155
 Fax: (415) 955-1159
 Email: karl@kronenbergerlaw.com
terri@kronenbergerlaw.com

16 **Ory Sandel**
 17 **Patricia De Fonte**
 18 **Richard Idell**
 19 Idell & Seitel LLP
 20 465 California Street, Ste. 300
 San Francisco, CA 94104
 Phone: (415) 986-2400
 Fax: (415) 392-9259
 Email: ory.sandel@ibslaw.com
patricia.defonte@ibslaw.com
richard.idell@ibslaw.com

22 **Timothy P. Dillon**
 23 **Nadya Y. Spivack**
 24 Dillon & Gerardi
 25 4660 La Jolla Village Dr., Suite 775
 San Diego, Ca 92122
 Phone: (858) 587-1800
 Email:
NSpivack@DillonGerardi.com

22 **John A. Goalwin**
 23 350 So. Figueroa Street, Suite 499
 24 Los Angeles, Ca 90071
 25 Phone: (213) 202-7820
 (attorney for S. Cohen)

27 I am readily familiar with the firm's practice of collection and processing
 28 correspondence for mailing. Under that practice it would be deposited with the U.S. Postal
 Service on that same day with postage thereon fully prepaid in the ordinary course of business. I

MANATT, PHELPS &
 PHILLIPS, LLP
 ATTORNEYS AT LAW
 PALO ALTO

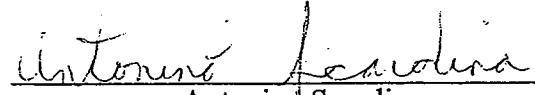
20168402.1

PROOF OF SERVICE

1 am aware that on motion of the party served, service is presumed invalid if postal cancellation
2 date or postage meter date is more than one day after date of deposit for mailing in affidavit.

3 I declare that I am employed in the office of a member of the bar of this court at
whose direction the service was made.

4 Executed on October 27, 2006.

5 
6 Antonind Scardina

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

10125

1 RICHARD J. IDELL, ESQ., #069033
2 ORY SANDEL, ESQ. #233204
3 IDELL & SEITEL LLP
4 465 California Street, Suite 300
5 San Francisco, CA 94104
6 Telephone: (415) 986-2400
7 Facsimile: (415) 392-9259

8 Attorneys for Plaintiff
9 GARY KREMEN

10
11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN JOSE DIVISION

14 GARY KREMEN, an individual,

15 Plaintiff,

16 v.

17 STEPHEN MICHAEL COHEN, an individual,
18 OCEAN FUND INTERNATIONAL, LTD., a
19 foreign company, SAND MAN
20 INTERNACIONAL LIMITED, a foreign
21 company, SPORTING HOUSES
22 MANAGEMENT CORPORATION, a Nevada
23 Company, SPORTING HOUSES OF AMERICA,
24 a Nevada company, SPORTING HOUSES
25 GENERAL, INC., a Nevada, company, and DOES
26 1-20 inclusive,

27 Defendants.

28 Case No.: C 98 20718-JW

[PROPOSED] ORDER RE: ARIN'S
MOTION TO CLARIFY AND/OR MODIFY
THIS COURT'S SEPTEMBER 17, 2001
"ORDER RE: REGISTRATION OF IP
NUMBERS (NETBLOCKS) IN THE NAME
OF JUDGMENT CREDITOR"

Hearing Date: October 23, 2006
Time: 9:00 AM
Place: Courtroom 8, 4th Floor
Judge: The Honorable James Ware

Non-party American Registry for Internet Numbers' ("ARIN's") Motion to Clarify/Modify this Court's September 21, 2001 Order ("Motion") came before this Court on October 23, 2006 by regularly noticed hearing.

1 ARIN's Motion seeks clarification and/or modification of the terms of an Order issued by this
2 Court on September 17, 2001 ("September 17, 2001 Order"), and entered without notice to ARIN, in the
3 case entitled *Kremen v. Cohen*, Case No. C98-20718 (JW), filed in 1998. The September 17, 2001
4 Order encompassed, in full, the following Internet Protocol ("IP") resources, which are also the subject
5 of this Order: (1) 209.205.239.255 ("BLOCK 1"); (2) 208.214.46.0 and 208.214.47.255 ("BLOCK 2");
6 (3) 64.19.192.0 and 64.19.239.255 ("BLOCK 3"); (4) Autonomous System Number ("ASN") 20228
7 ("BLOCK 4"); and (5) ASN 11083 ("BLOCK 5") (BLOCK 1 through BLOCK 5 are collectively
8 referred to as the "BLOCKS"). Having considered the supporting and opposing papers, the records on
9 file herein, and the arguments of counsel, and ARIN having voluntarily submitted to the jurisdiction of
10 this Court for purposes of the Motion and this Order, the motion is DENIED except as provided herein
11 wherein the Court clarifies its Order of September 17, 2001. This Court hereby clarifies its September
12 17, 2001 Order captioned "Order re: Registration of IP Numbers (Netblocks) in the Name of Judgment
13 Creditor" as follows:

14 (1) The Court intends by its September 17, 2001 Order that as a condition of registration of
15 the BLOCKS and ASNs pursuant to the Order of September 17, 2001, Kremen shall be bound by the
16 terms and conditions of any signed agreements that may lawfully exist between ARIN, on the one hand,
17 and Cohen or Cohen entities, on the other hand, that relate to any of the specific BLOCKS or to any
18 ASN. ARIN shall have the burden of showing which signed contracts exist as to which BLOCKS or
19 ASNs. Therefore, ARIN shall present to Kremen an Agreement to Be Bound in the form of the attached
20 Exhibit "A" as to each such BLOCK and ASN, and upon signature of Kremen to such Agreement to Be
21 Bound, ARIN shall register the BLOCK or ASN in Kremen's name.

22 (2) If there is no lawful contract in existence as to any such BLOCK, then ARIN shall
23 register the BLOCK in Kremen's name forthwith.

24 (3) To the extent that BLOCK 5 resources are now unavailable due to transfer of LACNIC,
25 ARIN will issue new IP resources, to replace those resources, of a substantially similar nature and
26 quantity as necessary to substitute for the BLOCKS not being transferred. These new resources shall be
27 subject to the same terms and conditions of signed agreements that may lawfully exist between ARIN,

1 on the one hand, and Cohen or Cohen entities, on the other hand, if any, to which the unavailable
2 allocations of BLOCK 5 were lawfully subject at the time that the original Order issued. ARIN shall
3 have the burden of showing which, if any, signed contracts exist as to which BLOCKS or ASNs. As a
4 condition of issuance of these resource allocations Kremen shall execute an Agreement to Be Bound in
5 the form of the attached Exhibit "A". In the event that ARIN cannot produce agreements for BLOCK 5
6 then the resources shall be issued to Kremen forthwith.

7 (4) Based on the representation of ARIN that BLOCK 2 is not a BLOCK administered by
8 ARIN, ARIN is not required to provide substitute resources for that BLOCK, without prejudice to
9 Kremen's right to enforce any judgment against UUNET or other party.

10 IT IS SO ORDERED

11

12

13 Dated: _____

The Honorable James Ware
United States District Judge

14
15 SUBMITTED BY:

IDEELL & SEITEL, LLP

16 *10-25-06*

17 Richard J. Idell
18 Attorney for Plaintiff GARY KREMEN

19

20

21

22

23

24

25

26

27

28

EXHIBIT "A"

Agreement to be Bound

Re: BLOCK/ASN: _____

Gary Kremen hereby as a condition of registration of the above described
BLOCK or ASN agrees to be bound by each of the terms and conditions of the agreement
attached as Document "1."

Dated: _____

Gary Kremen

1 PROOF OF SERVICE

2 I am employed in the City and County of San Francisco, State of California in the office
3 of a member of the bar of this court at whose direction the following service was made. I am
4 over the age of eighteen years and not a party to the within action. My business address is Idell
5 & Seitel LLP, 465 California Street, Suite 300, San Francisco, California 94104.

6 On October 25, 2006, I served the following document(s):

7 **[PROPOSED] ORDER RE: ARIN'S MOTION TO CLARIFY AND/OR MODIFY THIS**
8 **COURT'S SEPTEMBER 17, 2001 "ORDER RE: REGISTRATION OF IP NUMBERS**
9 **(NETBLOCKS) IN THE NAME OF JUDGMENT CREDITOR"**

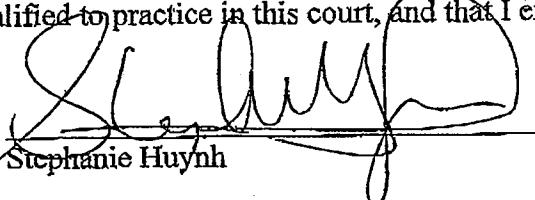
10 by **E-MAIL TRANSMISSION**, by electronically transmitting a true and correct copy of
11 the document(s) in Adobe Acrobat format to the electronic mail addresses indicated
12 below.

13 by **FACSIMILE TRANSMISSION**, by placing a true and correct copy of the
14 document(s) to be transmitted by facsimile machine to the number indicated below. The
15 transmission was reported as complete and without error.

16 by regular **UNITED STATES MAIL** by placing a true and correct copy, enclosed in a
17 sealed envelope for collection and mailing on the date and at the business address shown
18 above following our ordinary business practices to the address(es) noted below. I am
readily familiar with this business practice for collection and processing of
correspondence for mailing with the United States Postal Service. On the same day that a
sealed envelope is placed for collection and mailing, it is deposited in the ordinary course
of business with the United States Postal Service with postage fully prepaid.

19 John Alan Goalwin 20 350 S. Figueroa Street, #499 21 Los Angeles, CA 90071-1203 22 Fax: (213) 202-7829 23 Attorney for Defendant Stephen Cohen 24 jgoalwin@yahoo.com	25 Stephen M. Ryan 26 MANATT, PHELPS & PHILLIPS, LLP 27 700 12 th Street, N.W., Suite 1100 Washington, D.C. 20005-4075 Fax: (202) 585-6600
28 Jack S. Yeh MANATT, PHELPS & PHILLIPS, LLP 11355 W. Olympic Blvd. Los Angeles, CA 90064 Fax: (310) 312-4224	

1 I certify and declare under penalty of perjury that the foregoing is true and correct, that I
2 am employed in the office of an attorney qualified to practice in this court, and that I executed
3 this declaration at San Francisco, California.

4 
Stephanie Huynh

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28